UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,550	04/25/2001	Josh Zerlan	1551	7607

28005 7590 12/10/2004

SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER	
RAMPURIA, SHARAD K	
ART UNIT	**PAPER NUMBER**
2683	

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,550	ZERLAN ET AL.	
	Examiner	Art Unit	
	Sharad K. Rampuria	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-23* is/are pending in the application.

4a) Of the above claim(s) *13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

Applicant's arguments with respect to claims 1-12, & 14-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim 13 is cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 7, 11-12, 15, & 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp (US 5875398) (hereinafter Snapp) in view of Nakamura [US 5943617] (hereinafter Nakamura)

1. Regarding claim 1, Snapp disclosed A method of automatically testing a communications system (abstract), comprising, in combination:

(a) using a test host (130; fig.1) to cause a first communication device (110; fig.1) to send a first test signal into a communications channel; (col.2; 35-39)

(b) receiving a second test signal in the test host from the communications channel via a second communication device; (120; fig.1; col.2; 39-41)

Snapp failed to disclose a comparison between the first test signal and the second test signal. However, Nakamura teaches in an analogous art, that (c) the test host performing a comparison between the first test signal and the second test signal; (col.6; 1-12) and (d) the test host providing an output indicative of a result of the comparison. (col.6; 13-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a comparison between the first test signal and the second test signal in order to provide a test system for use in measuring conditions of radio channels within each of radio service zones of radio base stations in the mobile telecommunication system.

2. Regarding claim 2, Snapp disclosed The method of claim 1, wherein the first test signal is the same as the second test signal. (col.2; 52-58)

3. Regarding claim 3, Snapp disclosed all the particulars of the claim except the first test signal comprises a digital data file. However, Nakamura teaches in an analogous art, that The method of claim 2, wherein the first test signal comprises a digital data file. (bits; col.6; 1-12) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the first test signal comprises a digital data file in order to provide a test system for use in measuring conditions of radio channels of particular type of data file in the mobile telecommunication system.

7. Regarding claim 7, Snapp disclosed The method of claim 1, wherein the first communication device comprises a mobile station. (110; fig.1)

11. Regarding claim 11, Snapp disclosed The method of claim 1, wherein the test host comprises a computer. (210; fig.2; col.3; 1-18)

12. Regarding claim 12, Snapp disclosed A method of automatically testing a communications system (abstract), comprising, in combination:

(a) using a test host (130; fig.1) to cause a first non-simulated wireless subscriber terminal (110; fig.1) to send a first set of data into a communications channel, the communications channel including a network element; (col.2; 35-39)

(b) receiving a second set of data in the test host from the communications channel via a second non-simulated wireless subscriber terminal; (120; fig.1; col.2; 39-41)

Snapp failed to disclose a comparison between the first test signal and the second test signal. However, Nakamura teaches in an analogous art, that (c) the test host performing a comparison between the first test signal and the second test signal; (col.6; 1-12) and (d) the test host providing an output indicative of a result of the comparison. (col.6; 13-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a comparison between the first test signal and the second test signal in order to provide a test system for use in measuring conditions of radio channels within each of radio service zones of radio base stations in the mobile telecommunication system.

15. Regarding claim 15, Snapp disclosed The system of claim 23, wherein the first communication device comprises a wireless subscriber terminal. (110; fig.1)

21. Regarding claim 21, Snapp disclosed The method of claim 23, wherein the first test signal is the same as the second test signal. (col.2; 52-58)

22. Regarding claim 22, Snapp disclosed all the particulars of the claim except the comparing component. However, Nakamura teaches in an analogous art, that The system of claim 23, wherein the computer system comprises a memory and a processor, and the sending component, the receiving component, and the comparing (col.6; 1-15) component each comprise a set of instructions stored in a memory, the set of instructions executable by the processor. (col.5; 17-27) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the comparing component in order to provide a test system for use in measuring conditions of radio channels within each of radio service zones of radio base stations in the mobile telecommunication system.

23. Regarding claim 23, Snapp disclosed system for testing an element of a network (abstract), comprising:

a first communication device that sends a first test signal into the network, (110; fig.1; col.2; 35-39)

second communication device that receives a second test signal from the network; (120; fig.1; col.2; 39-41) and

a test host (130; fig.1) communicatively coupled to the first communication device (110; fig.1) and the second communication device (120; fig.1), the test host including:

(a) a sending component that causes the first communication device to send the first test signal into the network; (col.2; 35-39)

(b) a receiving component that receives the second test signal from the second communication device, (col.2; 39-41)

Snapp failed to disclose a comparison between the first test signal and the second test signal. However, Nakamura teaches in an analogous art, that (c) a comparing component that makes a comparison of the first test signal to the second test signal; (col.6; 1-12) and (d) a display that indicates the result the comparison. (col.6; 13-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a comparison between the first test signal and the second test signal in order to provide a test system for use in measuring conditions of radio channels within each of radio service zones of radio base stations in the mobile telecommunication system.

Claims 6, 8-10, 14, & 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp & Nakamura further in view of Oritz Perez et al.

6. Regarding Claim 6, the above combination disclosed all the particulars of the claim except the first test signal represents dialed digits and the second test signal comprises a ring signal. However, Oritz Perez teaches in an analogous art, that The method of claim 1, wherein the first test signal represents dialed digits and the second test signal comprises a ring signal. (col.13; 22-36) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the first test signal represents dialed digits and the second test signal

comprises a ring signal in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

8. Regarding Claim 8, the above combination disclosed all the particulars of the claim except a landline modem. However, Oritz Perez teaches in an analogous art, that The method of claim 1, wherein each of the first communication device and second communication device is selected from the group consisting of (i) a mobile station, and (ii) a landline modem. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a landline modem in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

9. Regarding Claim 9, the above combination disclosed all the particulars of the claim except a non-simulated mobile station. However, Oritz Perez teaches in an analogous art, that The method of claim 1, wherein at least the first communication device comprises a non-simulated mobile station. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a non-simulated mobile station in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

10. Regarding Claim 10, the above combination disclosed all the particulars of the claim except a non-simulated mobile station. However, Oritz Perez teaches in an analogous art, that The method of claim 1, wherein the first communication device and the second communication device are

non-simulated mobile stations. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a non-simulated mobile station in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

14. Regarding Claim 14, the above combination disclosed all the particulars of the claim except the first test signal represents dialed digits and the second test signal comprises a ring signal. However, Oritz Perez teaches in an analogous art, that The method of claim 23, wherein the first test signal represents dialed digits and the second test signal comprises a ring signal. (col.13; 22-36) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the first test signal represents dialed digits and the second test signal comprises a ring signal in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

16. Regarding Claim 16, the above combination disclosed all the particulars of the claim except a landline subscriber terminal. However, Oritz Perez teaches in an analogous art, that The method of claim 23, wherein each of the first communication device and second communication device is selected from the group consisting of (i) a wireless subscriber terminal, and (ii) a landline subscriber terminal. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a landline subscriber terminal in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

17. Regarding Claim 17, the above combination disclosed all the particulars of the claim except a landline subscriber terminal. However, Oritz Perez teaches in an analogous art, that The system of claim 23, wherein each of the first communication device and second communication device is selected from the group consisting of (i) a wireless subscriber terminal, (ii) a landline subscriber terminal, (iii) a fax machine, and (iv) a modem. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a landline subscriber terminal in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

18. Regarding Claim 18, the above combination disclosed all the particulars of the claim except a landline subscriber terminal. However, Oritz Perez teaches in an analogous art, that The system of claim 23, wherein each of the first communication device and second communication device is selected from the group consisting of (i) a non-simulated communication device, and (ii) a simulated communication device. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a landline subscriber terminal in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

19. Regarding Claim 19, the above combination disclosed all the particulars of the claim except a non-simulated communication devices. However, Oritz Perez teaches in an analogous art, that The system of claim 23, wherein the first communication device and the second communication

device are non-simulated communication devices. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a non-simulated communication devices in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

20. Regarding Claim 20, the above combination disclosed all the particulars of the claim except a non-simulated wireless subscriber terminals. However, Oritz Perez teaches in an analogous art, that The system of claim 23, wherein the first communication device and the second communication device are non-simulated wireless subscriber terminals. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a non-simulated wireless subscriber terminals in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp & Nakamura further in view of Anderson.

4. Regarding Claim 4, the above combination disclosed all the particulars of the claim except the digital data file is a TIFF file. However, Anderson teaches in an analogous art, that The method of claim 2, wherein the digital data file is a TIFF file. (col.9; 14-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the digital data file is a TIFF file in order to provide a simulated output file.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp & Nakamura further in view of Selig et al.

5. Regarding claim 5, the above combination disclosed all the particulars of the claim except modifying the network element. However, Selig teaches in an analogous art, that The method of claim 1, wherein the communications channel comprises a network element, the method further comprising: after performing method steps (a) through (d), modifying the network element and then repeating steps (a) through (d). (col.3; 42-55) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the network element in order to simplify the operation of testing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu.(8-5:30) alternate Fri.(8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see *http://portal.uspto.gov/external/portal/pair*. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or *EBC@uspto.gov*.

Sharad K. Rampuria
Examiner
Art Unit 2683

6 December 2004

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600